IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R.No. 4134 of 1995

Date of decision : 6.9.2006.

Micro Engg. Works, Railway Road, Batala.

.....Petitioner.

Versus

Krishna Rani and another.

.....Respondents.

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Present: Mr.Ruchin Midha,Advocate
for Mr.Salil Sagar,Advocate
for the petitioner.

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VINOD K. SHARMA, J. (ORAL)

Present revision petition has been filed against the order dated 28.10.1995 passed by learned Sub Judge Ist Class, Batala declining the application moved under Order 14 Rule 5 CPC for framing of additional issues.

The petitioner herein moved an application that out of the pleadings of the parties additional issues were necessary for determining the matter in controversy between the parties. The said application was opposed by the plaintiff on the ground that necessary issues arising out of the pleadings of the parties have since been framed and it was also pleaded that evidence of parties has already been completed and application was filed at a belated stage. The learned trial Court rejected the application holding that the proposed issues by the defendants stood fully covered under the issues already framed. The parties have already concluded their evidence and

accordingly, the application was rejected.

Learned counsel for the petitioner vehemently contended that it was specifically pleaded in the written statement that the suit was not within limitation and,therefore,it was liable to be dismissed.

In my opinion, this issue would also be covered under issue No.2. In case the petitioner is able to prove its adverse possession over the suit property in that event, the petitioner would not be entitled to succeed in the suit.

There is no error in the jurisdiction exercised by the learned trial Court which may call for interference by this Court.

Dismissed.

September 6, 2006 **(VINOD K. SHARMA)**
sp **JUDGE**